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OFFICE OF PETITIONS

In re Application of :
German et al. :
Application No. 10/721,029 : DECISION DISMISSING PETITION
Filed: 24 November, 2003 :
Atty Dckt No. CC-3581 :

This is a decision in reference to the petition filed on 13 July, 2005, under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of 24 November, 2003, rather than the currently-accorded filing date of 25 November, 2003.

Petitioner alleges that the application was deposited in Express Mail service on 24 November, 2003. In support, on 13 July, 2005, petitioners supplied a copy of a USPS Express Mail Customer Label showing a "date-in" of "11-24-03". Although the Express Mail number on the Customer Label provided with the petition is not legible, a review of the U.S. Postal Service Track & Confirm database shows that a shipment with Label No. EV325642278US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file), was accepted by the USPS on 24 November, 2003.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service is 24 November, 2003.

In view of the above, the application is entitled to a filing date of 24 November, 2003.

The application is being referred to the Office of Initial Patent Examination for correction of the filing date to 24 November, 2003, and mailing of a corrected Filing Receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3231.

A handwritten signature in cursive script, appearing to read "D. Wood".

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions